



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17-08-2026

CORAM

THE HON'BLE MR JUSTICE N. ANAND VENKATESH

Civil Revision Petition No.514 of 2023

and

C.M.P.Nos.4213 & 4214 of 2023

M.Periyasamy
S/o.Murugan

..Petitioner

Vs

1. P.Jayachandran
S/o.P.K.Parthasarathy
2. P.Datchayani
D/o.P.K.Parthasarathy
3. P.Harinath
S/o.P.K.Parthasarathy
4. P.Nirmala
D/o.P.K.Parthasarathy
5. P.Thilagavathi
W/o.P.K.Surundar Babu
6. G.Swaminathan
S/o.Late Govindasamy

..Respondents

Civil Revision Petition filed under Article 227 of the Constitution of India praying to set aside the order passed in I.A.2/2021 in O.S.98/2021 by the Additional District Judge, (FTC), Vellore, on 29.07.2022.

For Petitioner : N.Elayaraja
For Respondents : Mr.T.Saravanan [R1 to R5]
No appearance [R6]



ORDER

This civil revision petition has been filed under Article 227 of the Constitution of India against the order passed in I.A.2/2021 in O.S.98/2021 by the Additional District Judge, (Fast Track Court), Vellore, dated 29.07.2022, wherein the application filed by the petitioner under Order 1 Rule 10(2) CPC to implead the proposed defendant came to be dismissed by the Court below.

2. Heard learned counsel for petitioner and learned counsel for respondents 1 to 5 and carefully perused the materials available on record. This Court also went through the impugned order.

3. The petitioner, who is the plaintiff in the suit in O.S.No.98 of 2021, has filed the suit for recovery of advance money paid pursuant to agreement of sale entered into by the petitioner with the father of defendants 1 to 5. During the pendency of this suit, defendants 1 to 4 seem to have entered into an agreement of sale with the proposed sixth defendant and attempted to alienate the property. Under such circumstances, the present application came to be filed before the Court below to implead the proposed sixth defendant as a party. The application was dismissed by the Court below by an order dated 29.07.2022 and aggrieved by the same, the present revision has been filed.



4. In the considered view of this Court, the proposed defendant is neither a necessary nor a proper party in the present suit. The suit has been filed for recovery of advance amount paid by the petitioner while entering into an agreement of sale with the father of defendants 1 to 5. In a suit of this nature, the proposed sixth defendant is neither a necessary nor a proper party and the Court below has rightly rejected the application. The findings of the Court below does not suffer from any perversity warranting interference of this Court in exercise of its jurisdiction under Article 227 of the Constitution of India.

In view of the above, this civil revision petition is dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

17-08-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No
gm

To
The Additional District Judge,
(Fast Track Court), Vellore.



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N.ANAND VENKATESH, J.

gm

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